

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

EMIGRANT BANK AND PACIFIC
MERCANTILE BANK,

Plaintiffs,

v.

SUNTRUST BANK; TRUIST BANK AND
DOES 1 THROUGH 10 INCLUSIVE,

Defendants.

No. 1:20-cv-02391

PROPOSED
ORDER

PAUL G. GARDEPHE, U.S.D.J.:

THIS MATTER comes before the Court on a request brought jointly by Plaintiffs and Defendants (ECF 43), which seeks Court approval of a proposed procedure by which Plaintiffs may amend their Complaint (ECF 1). The Court, having considered the parties' submission, and for good cause shown, it is,

ON THIS 13 day of September, 2021,

ORDERED that Plaintiffs may file an amended complaint within 14 days of this Order; and further

ORDERED that such amended complaint shall solely add new claims and new allegations of fact related to such new claims; and further

ORDERED that Plaintiffs shall file, contemporaneously with any such amended complaint, a redline comparing the amended complaint to the original Complaint (ECF 1); and further

ORDERED that the filing of such amended complaint shall not moot Defendants' pending Motion to Dismiss (ECF 35); and further

ORDERED that the amended complaint shall reassert the claims contained in the original Complaint in the same order and style as the original Complaint so that the references to the Counts in the Complaint in the pending Motion to Dismiss will pertain to the same counts in the amended complaint; and further

ORDERED that, once and if Plaintiffs file such amended complaint, Defendants shall respond, by motion or by answer, only to any new cause or causes of action and any new factual allegations added in support of such cause of action; and further

ORDERED that, in the event that the Court grants the Motion to Dismiss, in whole or in part, the ruling shall apply with full force and effect to the amended complaint, and any count dismissed shall be deemed dismissed from the amended complaint.

Date: September 13, 2021



Hon. Paul G. Gardephe
United States District Judge